

CITY OF DELAFIELD PLAN COMMISSION MINUTES

PUBLIC HEARING – CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW FOR A CHIROPRACTIC OFFICE AT 1452 GENESEE STREET, DELAFIELD

Mayor Schuman declared the public hearing open at 7:00 p.m.

Dr. Daniel T. Murray, owner of the chiropractic office gave a brief overview.

Mayor Schuman asked three times if there were any citizens who wished to speak. There were none.

D. JASHINSKY MOTIONED TO CLOSE THE PUBLIC HEARING. L. CHAPMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL

Present

Absent

Mayor Phil Schuman
Larry Chapman
Michael Frede (entered 7:03 p.m.)
Dan Jashinsky
Chrys Mursky
Roger Dupler
Tom Maney
Matt Carlson

Ron Miskelley
Keith Strege

It was clarified that the Plan Commission had a quorum.

- 1. APPROVE PLAN COMMISSION MEETING MINUTES OF JUNE 27, 2007 MEETING

D. JASHINSKY MOTIONED TO APPROVE THE MINUTES FROM THE JUNE 27, 2007 MEETING. L. CHAPMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. THREE WERE IN FAVOR. C. MURSKY ABSTAINED. MOTION CARRIED.

- 2. DELAFIELD CITIZEN’S COMMENTS PERTAINING TO SUBJECTS ON THIS AGENDA

Mayor Schuman asked three times if any citizens wished to speak. There were none.

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C. MURSKY MOTIONED TO CLOSE CITIZEN'S COMMENTS. L. CHAPMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

3. CONSENT AGENDA (RECOMMENDED APPROVALS IN ACCORDANCE WITH THE STAFF REPORT)

M. Carlson stated that Item 3b assumed that all requirements were finalized.

C. Mursky asked to remove Items a, b, and c.

C. MURSKY MOTIONED TO APPROVE ITEMS D AND E. D. JASHINSKY SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- a. **TAX KEY 798.017, 637 MAIN STREET, DELAFIELD.** APPLICANT: JIM STOFFER. APPLICANT SEEKS APPROVAL OF AN AMENDED BUSINESS PLAN OF OPERATION FOR SEASONAL LUNCHTIME OUTDOOR GRILLING AT WHOLLY COW.

C. Mursky expressed concern about the location of the grill to the ordering window and requested that the grill be located in a more neutral area. It was suggested to move the grill off of the paved area and onto the grass to the west and to also move the canopy over.

C. MURSKY MOTIONED TO APPROVE THE AMENDED BUSINESS PLAN OF OPERATION CONTINGENT ON MOVING THE GRILL TO THE WEST. L. FREDE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **TAX KEY 756.996.002, HIGHWAY 83 AND OAKWOOD ROAD, HARTLAND.** APPLICANT: OAKWOOD CHURCH. APPLICANT SEEKS APPROVAL OF A TEMPORARY BUSINESS PLAN OF OPERATION FOR A CHURCH PICNIC ON SUNDAY, AUGUST 5, 2007 FROM 12:30 – 5:00 P.M. ON THE CHURCH GROUNDS.

C. Mursky asked if there were permits required for the petting zoo. R. Dupler stated that compliance with Chapter 95, of the State Stats would be necessary along with the issuance of a permanent occupancy permit.

C. MURSKY MOTIONED TO APPROVE CONTINGENT UPON CONFORMANCE OF THE REQUIREMENTS OF CHAPTER 95 AND THE ISSUANCE OF A PERMANENT OCCUPANCY PERMIT. M. FREDE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **TAX KEY 803.985, 2315 HILLSIDE DRIVE, DELAFIELD.** APPLICANT: ADAM FRITSCH. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN

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OF OPERATION FOR A HOME OCCUPATION, A MEDICAL EDUCATION FOR HEALTHCARE PROVIDERS/COMMUNITY. HOURS OF OPERATION ARE WEEKDAYS, 8:00 A.M. – 5:00 P.M.; SATURDAY, 8:00 A.M. – 1:00 P.M., WITH 1 EMPLOYEE.

R. Dupler stated that the floor plan and site plan have not been provided at this time.

C. MURSKY MOTIONED TO APPROVE CONTINGENT UPON THE REQUIREMENTS OF HOME OCCUPANCY BEING MET. L. CHAPMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- d. TOWN OF DELAFIELD SEEKS APPROVAL OF AN EXTRATERRITORIAL CSM FOR THE TOWN HALL SITE.

Approved.

- e. **TAX KEY 804.982, 2900 GOLF ROAD, DELAFIELD.** APPLICANT: DAVE BECKER. OWNER: TOLD DEVELOPMENT. APPLICANT SEEKS APPROVAL OF SIGNAGE AND A BUSINESS PLAN OF OPERATION FOR FIVE GUYS FAMOUS BURGERS AND FRIES, A CASUAL DINING RESTAURANT. HOURS OF OPERATION ARE WEEKDAYS, SATURDAY AND SUNDAY, 11:00 A.M. – 10:00 P.M., WITH 20 FULL-TIME AND 5 PART-TIME EMPLOYEES.

Approved.

4. FINAL CONSIDERATION, APPROVALS, PREVIOUS APPROVAL

- a. **TAX KEY 804.993.006, 3150 GOLF ROAD, DELAFIELD.** APPLICANT: JOSEPH MALUCHA, MSI GENERAL. OWNER: TOLD DEVELOPMENT. APPLICANT SEEKS APPROVAL OF THE FINAL SIP OF SIGNAGE PROGRAM, LANDSCAPING AND LIGHTING PLANS FOR A RETAIL BUILDING.

It was stated that detailed plans for lighting, landscaping and a sign program have been provided to the City. The lighting photometrics met the City's approval. Clarification on the sign program is needed. A new landscaping plan was submitted, but it was thought that instead of increasing the plant sizes, the plan decreased the plant quantities. R. Dupler suggested using 30-36" plants. The landscaper was in agreement.

D. JASHINSKY MOTIONED TO RECOMMEND TO THE COMMON COUNCIL CONTINGENT UPON THE REDESIGN OF PLANT MATERIAL TO THE APPROPRIATE SIZE. L. CHAPMAN SECONDED THE

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MOTION. THERE WAS NO FURTHER DISCUSSION. MOTION CARRIED.

- b. **TAX KEY 787.128, 900 HAWKS HOLLOW, DELAFIELD.** APPLICANT: LEE KRMPOTICH. APPLICANT SEEKS APPROVAL OF A BOATHOUSE

This item is also being reviewed by the Lake Welfare Committee tonight for their input. With objection, this item was postponed until later in the agenda when the Petitioner could be present.

Joseph Krmpotich, 900 Hawks Hollow was present at the meeting and stated that the Lake Welfare Committee recommended that this be approved.

R. Dupler reviewed and stated that since the boat code has not changed it should be reviewed under the existing code. He stated that the existing grade does not require a retaining wall and more information would be needed on the contours to justify it. Within the wall is a proposed rain garden; he suggested that the rain garden be down hill of the wall. It was explained that the retaining wall was more like a landscape border of 12". Contours should still be submitted to staff in order to resolve the wall/border issue. Architecture materials and photos are still needed.

C. MURSKY MOTIONED TO APPROVE CONTINGENT UPON STAFF APPROVAL AND SUBMITTAL OF CONTOURS, ARCHITECTURE MATERIALS, AND PHOTOS. M. FREDE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- c. **TAX KEY 787.999, 1452 GENESEE STREET, DELAFIELD.** APPLICANT: DR. DANIEL MURRAY, LAKE COUNTRY HEALTH CENTER. APPLICANT SEEKS APPROVAL OF A CONDITIONAL USE PERMIT AND SITE PLAN FOR LAKE COUNTRY HEALTH CENTER, A CHIROPRACTIC OFFICE.

R. Dupler stated that the site plan has been submitted, but a written agreement with Christ the King Lutheran Church needs to be provided. Dr. Murray stated that he had a verbal agreement with the Church at this time and that a written agreement would be available after August 14. R. Dupler stated that the conditional use agreement addressed architecture improvements. The site plan submitted identified the potential addition to the building; however, the proposal tonight encroaches into the side yard set back. Mayor Schuman stated that Dr. Murray could use the building as is, but if architectural changes were made and an addition was made, it would need to be reviewed again. Discussion took place as to the purpose of the public hearing. Dr. Murray stated that their intent was to at least approve the addition squaring off the building. After that they would have another request to

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build beyond that. Dr. Murray requested another public hearing to be scheduled at the next Plan Commission meeting. The submission requirements and the conditional use process were reviewed.

C. MURRAY MOTIONED TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT BASED ON THE SITE PLAN DATED JUNE 29, 2007 AND TO RECOMMEND TO THE COMMON COUNCIL. M. FREDE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- d. **TAX KEY 781.990.001, 1604 HIGHWAY 83, HARTLAND.** OWNER: JOE AND JOHN GEASON. APPLICANT: VERIZON COMMUNICATION. APPLICANT SEEKS APPROVAL OF A CONDITIONAL USE PERMIT AND SITE PLAN FOR A CELL TOWER AND DETERMINATION OF A MAJOR/MINOR CHANGE TO THE CONDITIONAL USE PERMIT. USE PERMIT.

There is an existing conditional use on this property. Consolidation of the accessory uses is an issue that should be considered. The cell tower facilities should be blended into the surrounding area. No representative was present at the meeting. R. Dupler recommended that this be continued at the August meeting. Major changes versus minor changes were discussed.

After discussion, the submission date was determined to be June 26, 2007. M. Carlson agreed.

C. MURSKY MOTIONED TO CONTINUE THIS AT THE NEXT PLAN COMMISSION MEETING. D. JASHINSKY SECONDED THE MOTION. THE CONCERNS WERE DISCUSSED. M. CARLSON STATED THAT WHEN A PROPERTY USER HAS AN IDEA ABOUT HIS PROPERTY, THERE IS A COMPREHENSIVE REVIEW OF THE PROPERTY. CO-LOCATION IS ENCOURAGED FOR CELL TOWER LOCATION. EQUIPMENT STRUCTURES NEED TO BE CONSIDERED AS TO WHETHER THERE SHOULD BE ONE OR MORE. THE CONDITION AS TO CHANGES IN THE NEIGHBORHOOD AND THAT THE CELL TOWERS WOULD GO AWAY AT THAT TIME MAY NO LONGER APPLY. ALL WERE IN FAVOR OF THE MOTION. MOTION CARRIED.

- e. **TAX KEY 795.982.002, CEDAR VALLEY FARM, LLC, 41 CEDAR VALLEY ROAD, DELAFIELD.** OWNERS: CHARLIE AND CARRIE GLAPINSKI. OWNERS SEEK AN AMENDMENT TO THE CONDITIONAL USE PERMIT FOR AN ATTACHED SHED FOR THE EXISTING BARN AT CEDAR VALLEY FARM, LLC AND DETERMINATION OF A MAJOR/MINOR CHANGE TO THE CONDITIONAL

Carrie Glapinski was present at the meeting. R. Dupler reviewed the background on the property. They are proposing to add on to the horse

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barn and add a connector between the horse barn and shed. He recommended that this be considered a minor change. C. Glapinski explained the proposal.

C. MURSKY MOTIONED TO APPROVE AS A MINOR CHANGE TO THE CONDITIONAL USE. M. FREDE SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

5. PLANS OF OPERATION, SIGNAGE AND SITE PLAN

- a. **TAX KEY 804.993.006, 3150 GOLF ROAD, DELAFIELD.** APPLICANT: CHARLES SCHWARTZ. OWNER: TOLD DEVELOPMENT. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION AND SIGNAGE FOR VERIZON WIRELESS, RETAIL SALES OF WIRELESS TELEPHONE AND SERVICE. HOURS OF OPERATION ARE WEEKDAYS AND SATURDAY, 9:00 A.M. – 8:00 P.M.; SUNDAY, 11:00 A.M. – 6:00 P.M., WITH 10 FULL-TIME EMPLOYEES.

R. Dupler recommended approval contingent upon resubmittal of signage to Staff reflecting the 3' maximum height for the building signage and the use of Llama White on the sign panel background on the monument sign. The Petitioners need to convert the southern side to match the western sign. John from Told Development was present and stated that he would present the recommendation to Verizon.

L. CHAPMAN MOTIONED TO APPROVE SUBJECT TO THE CITY PLANNER'S RECOMMENDATIONS ON SIGN HEIGHT AND THAT LLAMA WHITE BE USED ON THE SIGN PANEL BACKGROUND. D. JASHINSKY SECONDED THE MOTION. IT WAS CLARIFIED THAT THE BUSINESS PLAN OF OPERATION WAS ALSO APPROVED. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

- b. **TAX KEY 733.990.003, 3059 VILLAGE SQUARE DRIVE, DELAFIELD.** OWNER: UNITED PROPERTIES. APPLICANT: MICHAEL DROUT. APPLICANT SEEKS APPROVAL OF A BUSINESS PLAN OF OPERATION AND SIGNAGE FOR SUBWAY, A RESTAURANT. HOURS OF OPERATION ARE WEEKDAYS AND SATURDAY, 9:00 A.M. 10:00 P.M.; SUNDAY, 9:00 A.M. – 9:00 P.M., WITH 6 PART-TIME AND 5 FULL-TIME EMPLOYEES.

A letter from United Properties was provided to the Plan Commission members along with the minutes from the last Common Council meeting in regards to the definition of "fast food". Mayor Schuman explained that this could be approved subject to the clarification of fast food restaurants by the Common Council.

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R. Dupler stated that the business plan of operation is approvable. Signage as proposed on the building conforms to placement and size requirements of the pre-approved sign program, but that the sign introduces a color not in the program (white, red, or green are in the program). This petition introduces yellow. The monument sign needs to have a different graphic presentation in terms of colors. The building sign could be converted to white and green.

The Petitioner, Michael Drout, 531 Gwilym Court, Wales, Wisconsin, was present and stated that he would like to stay with the colors of white and yellow. Mayor Schuman explained that the City would like to stay within the guidelines agreed upon for this development. R. Dupler stated that the developer could come back to the Plan Commission and ask for a change. It was determined that the developer did not inform the Petitioner of the pre-approved sign package. The definition of fast food would be on the next Common Council agenda set for August 6.

M. FREDE MOTIONED TO APPROVE THE BUSINESS PLAN OF OPERATION SUBJECT TO THE COMMON COUNCIL'S DETERMINATION OF "FAST FOOD" AND TO APPROVE THE SIGN PACKAGE SUBJECT TO COMPLIANCE WITH THE EXISTING SIGN PACKAGE AND THE USE OF LLAMA WHITE. D. JASHINSKY SECONDED THE MOTION. IT WAS CLARIFIED THAT EVERYTHING IS DEPENDENT UPON THE COMMON COUNCIL'S DETERMINATION OF "FAST FOOD". ALL WERE IN FAVOR. MOTION CARRIED.

6. PRELIMINARY

None.

7. ZONING AND ORDINANCE REVISION.

None.

8. HEARING DATES

None.

9. ADMINISTRATOR'S REPORT

None.

10. BUILDING INSPECTOR'S REPORT

Total number of permits to date are 20, one occupancy, and no new starts.

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11. BOARD OF ZONING APPEALS

- a. BOARD OF ZONING VARIANCE GRANTED JULY 12, 2007

12. CORRESPONDENCE

- a. Letter from Henry Elling, Town of Summit Manager, dated July 18, 2007 regarding a Public Hearing on a revision to the Town Zoning Code on Thursday, August 2, 2007 at 7:00 p.m.

13. ADJOURNMENT

M. FREDE MOTIONED TO ADJOURN FROM THE MEETING. L. CHAPMAN SECONDED THE MOTION. THERE WAS NO FURTHER DISCUSSION. ALL WERE IN FAVOR. MOTION CARRIED.

Minutes Prepared By:

Accurate Business Communications, Inc.